

CHAPTER 625

An act to amend Sections 1 and 6 of Chapter 1266 of the Statutes of 1970, relating to tidelands and submerged lands granted to the City of Sacramento.

[Approved by Governor September 18, 1973 Filed with
Secretary of State September 18, 1973]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1266 of the Statutes of 1970 is amended to read:

Section 1. The state hereby grants and conveys to the City of Sacramento, a municipal corporation, and to its successors, all of its right, title, and interest in and to the lands described as follows, reserving to the State of California all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits contained in the land conveyed, and further reserving to the State of California and persons authorized by the state, the right to drill for and extract such deposits of oil and gas or gas, and to prospect for, mine, and remove such deposits of other minerals from the land conveyed, subject to the provision that the right to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine and remove such deposits of other minerals, shall not disturb the surface, or the ground within 100 feet of the surface, of the real property conveyed: Parcel 1 and Parcel 2 as shown on that certain Record of Survey of portion of projected Section 11, T.8N., R. 4E.

M.D.B. & M., recorded in the Official Records of Sacramento County on November 17, 1972, in Book 30 of Surveys at page 10.

The above-described parcels of real property, which are a portion of Miller Park in the City of Sacramento, shall be forever held by such city and by its successors in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That the lands shall be used by the city and its successors for the following purposes insofar as there is a general statewide interest therein:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(3) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, parks, playgrounds, bathhouses and bathing facilities, public recreation and fishing piers, public recreation facilities, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(4) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities available for public use, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(5) For the establishment, preservation, restoration, improvement, or maintenance of the unique recreational and aesthetic values connected with the waterfront area of the City of Sacramento herein described and for the use thereof for the aforementioned trust purposes.

(b) The city, or its successors shall not at any time, grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided that, the city, or its successors, may grant franchises thereon for limited

periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trust upon which the lands are held by the state, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Revenues and rents from said leases, franchises and privileges shall be expended by the city for the improvement, maintenance or operation of the lands herein conveyed or for the acquisition, improvement, maintenance or operation of other public parks, or public harbors or marinas of statewide benefit on lands within the city which are contiguous with tide and submerged lands on the Sacramento or American Rivers. Any of said revenues and rents derived from the lands conveyed or acquired under the terms and conditions of this act shall be deposited in a trust fund established by the city in a manner prescribed by the Department of Finance and shall be expended in accordance with the terms of this act.

(c) Nothing contained in this act shall preclude expenditures for the development of the herein described lands for any public purpose if statewide benefit not inconsistent with commerce, navigation and fishery, by the state, or any board, agency, or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The state shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(f) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose.

(g) Such lands are granted subject to the express reservation and condition that the state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(h) The city shall, at no cost to the state, prepare a map of the granted lands and, following review and approval of the map by the

State Lands Commission, shall record the map in the office of the County Recorder of Sacramento County.

(i) The city shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments, or structures thereon.

SEC. 2. Section 6 of Chapter 1266 of the Statutes of 1970 is amended to read:

Sec. 6. A dispute exists between the City of Sacramento and the state as to the ownership of the parcels of property described in Section 1 of this act, and title to a portion or portions of such parcels may lawfully be vested in the City of Sacramento; therefore, in the event that such dispute shall hereafter be resolved by a court of competent jurisdiction or by agreement between the state and the City of Sacramento, the provisions of Section 1 of this act shall apply only to such portion or portions of such parcels as shall so be determined to constitute tide and submerged lands and subject to the jurisdiction of the state.